

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6718**

**BILL NUMBER:** HB 1198

**NOTE PREPARED:** Dec 23, 2011

**BILL AMENDED:**

**SUBJECT:** Criminal History.

**FIRST AUTHOR:** Rep. Turner

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that the same procedures apply to the adjudication of a petition to restrict disclosure of certain arrest and other records that is filed under IC 35-38-5-5.5 or under IC 35-38-8.
- B. It makes it a Class B misdemeanor to knowingly or intentionally disclose, without a court order, records restricted under these laws, and provides that petitions to restrict disclosure are confidential.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Petition to Restrict Disclosure* – Under current law, adults and delinquents who are convicted of committing either a Class D felony or misdemeanor that did not result in injury to another person may petition a court to prohibit the release of criminal records. This can occur if eight years after the entire sentence has been completed and any other obligations imposed on the person have been satisfied. This provision specifies the procedures the person must follow to file the petition.

**Explanation of State Revenues:** *Penalty Provision:* The bill also makes it a Class B misdemeanor to knowingly or intentionally disclose without a court order records restricted under these laws. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** Indiana State Police.

**Local Agencies Affected:** Trial courts with criminal jurisdiction, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.